



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

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June 2, 1954

Hon. Bascom Giles
Commissioner
General Land Office
Austin, Texas

Letter Opinion No. MS-134
Re: Whether the United States is
a "person, firm or corporation" as
contemplated in Article 5421c, Sec.
6, V.C.S., so as to be eligible to
become a good faith claimant to
vacant land.

Dear Mr. Giles:

Your letter of April 29, 1954, requests our opinion as to whether the United States is a "person, firm or corporation" as contemplated in Article 5421c, Sec. 6, Vernon's Civil Statutes, so as to be eligible to become a good faith claimant to vacant public free school land.

We have considered the following authorities: United States v. Cooper Corporation, 312 U. S. 600(1941); State of Georgia v. Evans, 316 U. S. 159(1942); Ohio v. Helvering, 292 U. S. 360(1934); Stanley v. Schwalby, 147 U.S. 508 (1893); Martin v. State, 24 Tex. 62 (1859); Far East Conference v. United States, 342 U.S. 570 (1952); 65 Corpus Juris 1252, United States, Section 2; and United States v. Public Utilities Commission, 151 Fed. 2s 609 (U. S. App. D.C. 1945).

From these authorities, we have concluded that the general rule is, as stated in the Halvering case, *supra*, that "whether the word 'person' or 'corporation' includes a state or the United States depends upon the connection in which the word is found."

In the Cooper case, *supra*, the court said that "the purpose, the subject matter, the context, the legislative history and the executive interpretation of the statute" are aids in reaching an answer to the inquiry.

We now consider the "good faith claimant" portion of Article 5421c, Sec. 6, Vernon's Civil Statutes. Generally speaking, under that statute, "any person, firm or corporation" meeting certain requirements as to good faith possession of property adjoining a vacancy is a "good faith claimant" and is entitled to a preferential right to purchase or

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lease the vacant land. There appears to be no good reason why the Legislature would wish to deprive the United States of the right to become a good faith claimant and to purchase a vacancy adjoining or surrounded by its land. To refuse the federal government this right could obviously embarrass its reforestation program by placing an island of non-federal property in the midst of a national forest. No public policy of this State would be offended by granting this right. Actions of the Legislature, in fact, reflect a desire to cooperate with the Federal Forest Service. (Article 2613, Subdivision 10, V.C.S.; Senate Concurrent Resolution No. 73, Acts 43rd Leg., R.S. 1933, p. 1013).

In fact, it has been held that the United States has the right to own land in Texas without legislative authority. Curry v. State, 12 S.W. 2d 796 (Tex. Crim. 1928); Dodson v. Home Owners Loan Corporation, 123 S.W. 2d 435 (Tex. Civ. App. 1938); Carter v. Home Owners Loan Corporation, 123 S.W. 2d 437 (Tex. Civ. App. 1938, error ref.).

In the light of the foregoing authorities, we agree with your previous departmental construction that the United States is a "person, firm or corporation" as contemplated in Article 5421c, Sec. 6, and hence may qualify as a good faith claimant under the fact situation as submitted to us.

Yours very truly,

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